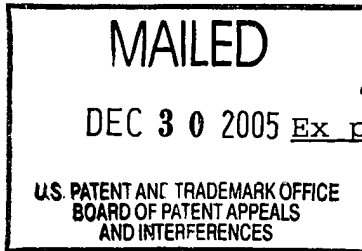


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DEC 30 2005 Ex parte KOZO NAKAMURA, TOSHIAKI SAISHOJI,
TAKASHI YOKOYAMA, SHIN MATSUKUMA
and FUMITAKA ISHIKAWA

Application No. 09/856,209

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 26, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On June 6, 2005, appellants filed an Appeal Brief under the new rules set forth in 37 CFR § 41.37(c), effective September 13, 2004. However, a review of the file reveals that appellants' Brief does not contain two of the required headings in accordance with the new rules under 37 CFR § 41.37(c)(1), namely, the "Evidence Appendix" and "Related Proceedings Appendix."

Moreover, on October 24, 2005, appellants filed a Reply Brief. There is no indication on the record as to whether or not the examiner has responded to appellants' Reply Brief filed on

Application No. 09/856,209

October 24, 2005.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) notify appellants to submit a Supplemental Appeal Brief containing the two required paragraphs under 37 CFR § 41.37,

(2) to respond to appellants' Reply Brief filed on October 24, 2005, and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

cc: Welsh & Katz, Ltd.
120 S. Riverside Plaza
22nd Floor
Chicago, IL 60606

CRF/clm/rk